

**DEPARTMENT OF HEALTH  
DENTAL QUALITY ASSURANCE COMMISSION  
FRIDAY, November 1, 2002  
Commission Business Minutes  
Phoenix Inn Suites  
Olympia, WA  
(Subject to Commission Approval)**

**Members Present:**

Ernest Barrett, DDS, Chair	Robin Reinke, DDS, Vice-Chair
George McIntyre, DDS	Mark Koday, DDS
John Davis, DDS, JD	Marshall Titus, DDS
Laurie Fan, DDS	Bernard Nelson, Public Member
Theresa Cheng, DDS	Russell B. Timms, DDS
Abdul Alkezweeny, Ph.D, Public Member	Lorin Peterson, DDS

**Members Absent:**

Mark Paxton, DDS  
Pramod K. Sinha, DDS

**Staff Present:**

Lisa Anderson, Health Services Consultant	
Lisa Gast, Administrative Assistant	Melissa Hartley, Staff Attorney
Kim Dinsmore, Program Representative	Elyette Weinstein, Staff Attorney

**Staff Absent:**

Gail Zimmerman, Executive Director  
Mark Brevard, Assistant Attorney General

**Others Present:**

Coleen Gaylord, RDH, Washington State Dental Hygienists Association  
Melissa Johnson, Washington State Dental Hygienists Association  
Joella Pyatt, RDH, Washington State Dental Hygienists Association  
Kate Jansky, ARNP, MS, CRNA, Washington Association of Nurse Anesthetists  
Don Williams, Executive Director, Washington State Board of Pharmacy

In accordance with the Open Public Meetings Act, notices were mailed to individuals requesting notification of the Commission meetings.

## **OPEN SESSION**

### **1. CALL TO ORDER- Ernest Barrett, DDS, Chair**

The November 1, 2002 business meeting of the Dental Quality Assurance Commission was called to order by Ernest Barrett, DDS, Chair, at 8:05 a.m. at the Phoenix Inn Suites, Olympia, Washington.

#### **1.1 Approval of Agenda**

The addition was approved with the following additions

- 5.1 CRDTS 2003 Examiner Assignments
- 8.2 Additional information regarding chemotherapeutic agents/anti-microbials

#### **1.2 Approval of the September 20, 2002 Meeting Minutes**

The minutes from the September 20, 2002 meeting of the Dental Commission were approved with the following correction:

- 5.1 CRDTS Update- the dates of the meeting in Kansas City were September 6-8, 2002, not August 23, 2003.

#### **1.3 Approval of Below Threshold closures for October 23, 2002**

The below threshold minutes for October 23, 2002 were approved as submitted.

### **2. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY GENERAL- Lisa Anderson, Health Services Consultant**

#### **2.1 Budget Report-Interim Operating Reports for August/September 2002**

The budget reports were provided to the members of the Commission for their information and review. Ms. Anderson informed the Commission that there have been no changes. The budget still shows that the Commission is overspent in payroll and travel but that this is status quo for this period of time in the biennium and that the numbers are expected to balance out to the projections by the end of the biennium.

**2.2 Department of Health Nursing Commission-Proposed Guidelines for Office Based Anesthesia Practice-review/discuss, request two (2) members of the DQAC to attend a joint meeting.**

Ms. Anderson informed the Commission that staff from the Nursing Commission has requested that the Commission defer their discussion to the December meeting to give the Nursing Commission staff time to meet internally with other Department of Health Staff.

**3. STAFF/COMMISSION MEMBER REPORTS**

**3.1 AADE Annual Meeting-October 17-19, 2002 in New Orleans, LA-  
*John Davis, DDS, JD and George McIntyre, DDS***

Dr. Davis gave a brief report on the annual meeting. Dr. McIntyre was unable to attend. Formal minutes will be distributed at the December 6, 2002 Dental Commission meeting.

**3.2 Washington State Dental Association House of Delegates Resolution –  
HD 158-2002, HD 095-2002**

This was provided to the members of the Commission for their information and review.

**3.3 Board, Commission and Committee Conference, October 3, 2002 at  
the Department of Health Conference Center at Center Point, Kent,  
Washington-From Reaction to Prevention-*Abdul Alkezweeny, PhD,  
Marshall Titus, DDS.***

Dr.'s Titus and Alkezweeny represented the Dental Commission at this meeting. Minutes were provided to the members of the Commission. Twenty-six (26) board, commission, and committee members attended along with twenty-eight (28) Department of Health staff. Both Dr. Titus and Dr. Alkezweeny said they found the meeting informational and enjoyed the experience.

**4. WESTERN REGIONAL EXAM BOARD (WREB)-**

**4.1 WREB Update**

Dr. Peterson informed the Commission that the 2003 Examiner assignments are being finalized and should be mailed shortly. He also mentioned that the upcoming January 11, 2003 meeting in Phoenix, Arizona is a General Membership meeting and invited any/all members to attend.

**4.2 WREB Newsletter-Fall 2002**

This was provided to the members of the Commission for their information and review.

**5. CENTRAL REGIONAL DENTAL TESTING SERVICE (CRDTS)**

**5.1 CRDTS Update**

CRDTS is in the process of setting up examiners for the 2003 exam season and is requesting participants from Washington State. Ms Anderson asked that anyone interested in examining for CRDTS to contact her ASAP so that she can forward the information to CRDTS.

**5.2 Minutes from September Dental And Dental Hygiene Exam Review Committee (ERC) meetings held in Kansas City, Missouri September 6 & 7, 2002.**

These were provided to the Commission for their information and review. Dr. Reinke reported on this at the September 20, 2002 meeting of the Commission.

**6. AMERICAN DENTAL ASSOCIATION (ADA)/ AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE)/ AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA), DENTAL ASSISTING NATIONAL BOARD (DANB)**

**6.1 AADE-The Bulletin, Fall 2002**

This was provided to the Commission for their information and review.

**6.2 ADA- State Legislative Report, July 2002, Volume 7, August 2002, Volume 8, and September 2002, Volume 9.**

This was provided to the Commission for their information and review.

**7. POLICIES/ INTERPRETIVE STATEMENTS, OPINIONS**

*Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.*

There were no policies, interpretive statements, or opinions issued or reviewed by the Commission at this meeting.

## **8. CORRESPONDENCE**

### **8.1 Letter dated October 10, 2002 from Lisa Anderson, Health Services Consultant, to George B. Marsh, Attorney at Law, re: Teeth whitening services.**

This response was provided to the members of the Commission for their information and review.

### **8.2 Letter dated October 9, 2002 to Lisa Anderson from Kathy Conrad, RDH, Acting Chairperson, Dental Hygiene Examining Committee, requesting a meeting with the Dental Commission and the Board of Pharmacy to discuss the matter of the application of chemotherapeutic agents placed subgingivally by a licensed dental hygienist.**

This request, along with additional information regarding chemotherapeutic agents was provided to the Commission for their review and discussion.

Mr. Don Williams, Executive Director, Washington State Board of Pharmacy, was in attendance and reviewed the legend drug act and the existing Dental Hygiene scope of practice statute with the Commission. Mr. Williams informed the Commission that the legend drug act does not allow for anyone other than licensed dentists to prescribe, distribute or administer legend drugs in a dental setting. Colleen Gaylord, RDH, Washington State Dental Hygiene Association (WSDHA), stated that many of the agents administered by hygienists are legend drugs. Mr. Williams agreed that the Dental Hygiene law does allow for licensed hygienists to apply topical preventive or prophylactic agents, under the supervision of a licensed dentist, but there is no authority for hygienists to administer legend drugs subgingivally. The Commission informed Ms. Gaylord that it has been advised that this is an issue that would need to be handled by a statutory change and that perhaps that would be the route the WSDHA should pursue. Ms. Melissa Johnson, lobbyist for the WSDHA indicated that she would be in contact with the Washington State Dental Association (WSDA) to see if draft legislation could be developed for the upcoming legislative session. Both Mr. Williams and the Commission indicated that they are not opposed to the concept of amending the statute to address this issue.

### **8.3 Letter dated October 2, 2002 to the Dental Commission from Frederick C. Judy, DMD, re: request to consider placing the use of**

**complementary medicine as it applies to the practice of dentistry, in the Dental Practice Act.**

This was provided to the members of the Commission for their review and response. The Commission requested staff to respond to Dr. Judy that existing statute RCW 18.130.180 (4) states in part, "...The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed." The Commission was also provided a copy of the letter that the Oregon Board of Dentistry sent to Dr. Judy on this same issue.

Staff will respond and provide a copy of the response to the Commission at the December meeting.

- 8.4 Letter dated September 26, 2002 from Sheri B. Doniger, DDS to State Dental Examination Board, re: placement of sealants by dental hygienists, use of Diagnodent lasers by hygienists, and placement of resins by hygienists. Attached are copies of previous interpretive statements issued by the Commission regarding these issues. Also attached is a response from Lisa Anderson, Health Services Consultant, advising Dr. Doniger that her questions would be presented at the October 2002 meeting of the Commission.**

This was provided to the members of the Commission for their review and response. The Commission requested staff to send copies of the existing interpretive statements to Dr. Doniger. The Commission also requested staff to inform Dr. Doniger that regarding the use of Diagnodent lasers by hygienists, they may only use them to record numbers, but that they cannot diagnose based on those numbers.

Staff will respond and provide a copy to the Commission at the December meeting.

- 8.5 Letter dated October 21, 2002 from Lisa Anderson, Health Services Consultant to Michelle Mayo, Clinics Manager, Cottage Lakes Family Dentistry responding to Ms. Mayo's August 21, 2002 letter to the Commission regarding the "luma lite" light curing bleaching system. A copy of Ms. Mayo's letter is also attached.**

This was provided to the members of the Commission for their information.

- 8.6 Letter dated October 21, 2002 from Lisa Anderson, Health Services Consultant to Brenda Brewer responding to her correspondence**

**dated September 13, 2002 requesting clarification regarding the following questions:**

- 1. Can a dental assistant can place lynol (tissue conditioning)?**
- 2. Can a dental assistant in a denture adjustment situation paste-up, insert, push down, bring it to the doctor in another room, he evaluate, the assistant take it downstairs for the lab to adjust and then the doctor come in and do the final insertion?**

**A copy of Ms. Brewer's correspondence is attached.**

This information was provided to the members of the Commission for their information.

*Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.*

## **9. CONSENT AGENDA**

- 9.1 2002 Washington Health Legislative Conference, December 11, 2002 at the Hilton Airport Hotel & Conference Center, SeaTac, Washington-8:00-4:00.**

This was provided to the members of the Commission for their information and review. Ms. Anderson directed the members of the Commission to contact staff if they wished to attend. (Mr. Bernie Nelson and Dr. Robin Reinke indicated an interest in attending this conference.)

## **10. NEWSLETTERS/FYI ARTICLES**

- 10.1 Arkansas State Board of Dental Examiners Newsletter, September 2002.**
- 10.2 Department of Health SENTINEL, August 26, 2002, Vol. 05, No. 8, and October 18, 2002, Vol. 05, No. 10.**
- 10.3 Article received October 10, 2002 from Bernard Nelson, Public Member, re: Neuromuscular Dentistry Can Help!**
- 10.4 Copy of Washington State Medical Association House of Delegates Resolution A-5-Improving the Oral Health of Children, provided by Bernard Nelson.**
- 10.5 Kentucky Board of Dentistry newsletter, Fall 2002**
- 10.6 National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank-Data Bank News, October 2002**

- 10.7 Advertisement submitted by Bernard Nelson on October 16, 2002 re: Laser Cavity Detection and Air Abrasion Technology, Richard Weigand, DDS, PS.**
- 10.8 Article by Mike Prager, Spokesman Review, dated Thursday, October 17, 2002-Traveling Dentists, provided by Bernard Nelson.**

The listed newsletters and articles were approved as presented and none were identified for discussion/decision.

## **CLOSED SESSION**

### **11. EXECUTIVE SESSION-**

*The term "executive session" is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a)-(k), and only during a regular or special meeting.*

The Commission did not go into executive session at this meeting.

### **12. FUTURE COMMISSION BUSINESS**

There were no items discussed for future business.

### **13. BUSINESS MEETING ADJOURNMENT**

The business meeting adjourned at 9:35 a.m.

*Respectfully Submitted By:*

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*Lisa Gast, Administrative Assistant*

*Commission Approval By:*

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*Ernest Barrett, DDS, Chair*